

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF NEW MEXICO,

Plaintiff,

vs.

CR. NO. 05-1849-JCH

GENO BERTHOD,

Defendant.

UNOPPOSED MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE

COMES NOW, Defendant Geno Berthod, by his counsel undersigned, Martin Lopez III, P.C. (Martin Lopez, III), and hereby moves this Court for an Order modifying his conditions of release to allow removal as a condition and return of the Water Rights (The Farmer's Ditch Company) as set forth within Paragraph 7(b) of the Order Setting Conditions of Release to Cherie Berthod. As grounds in support thereof, Defendant states as follows:

1. On or about October 14, 2005, this Court entered its Order Setting Conditions of Release as to Defendant Berthod. At that time, certain conditions were set, including the execution of a bond or an agreement to forfeit upon Defendant's failure to appear as required the following designated property: Water Rights (The Farmer's Ditch Company). *See*, Paragraph 7(b), Order Setting Conditions of Release.

2. Defendant Berthod has been on pretrial supervision for approximately four years and counsel is informed that he has no violations of any conditions. Defendant has been subject to random urinalysis, and has not had any positive tests. In any event, he will continue to be subject to random urinalysis for his employment. He has demonstrated that he is not a flight risk. There is no allegation that he presents a danger. Accordingly, Defendant requests modification of his conditions of release (Paragraph 7(b)) to allow removal of the condition and

return of The Farmer's Ditch Company Water Rights.

3. Counsel has contacted supervising United States Probation Officer David Hoffman concerning the relief requested within this Motion. Mr. Hoffman indicated he has no objection to the relief requested herein.

4. Assistant United States Attorney James Braun has been contacted concerning this motion and he does not object to the relief requested herein.

5. Since there is no objection from the Government or United States Probation Office, no hearing is requested on this matter.

WHEREFORE, for the reasons stated above, Defendant Geno Berthod respectfully requests this Court modify his conditions of release to remove as a condition of release and return The Farmer's Ditch Company Water Rights as previously set forth within Paragraph 7(b) of the Order Setting Conditions of Release, and for such further relief as this Court may deem proper.

Respectfully submitted,

MARTIN LOPEZ, III
A Professional Corporation
Electronically filed 5/20/09
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I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded via electronic notice to James Braun, Assistant U. S. Attorney and all other parties to be served, on this 20th day of May, 2009.

Electronically filed 5/20/2009
Martin Lopez, III